

## **REMARKS**

Claims 1-15 were pending in the present application. Claim 10 has been amended to correct a grammatical error. Claims 1-15 remain pending in the application.

Claims 1 - 2, 6 - 7 and 11 - 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi (U.S. Patent Number 5,933,604). Applicants respectfully traverse this rejection.

Claims 3-4, 8-9, 13-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi in view of Conger "Windows API Bible 1992" (hereinafter 'Conger'), and Claims 5, 10 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inakoshi in view of Arthur Dumas "Programming WinSock 1995" (hereinafter 'Dumas'). Applicants respectfully traverse these rejections as well.

Inakoshi teaches a system where users send requests to monitor an information resource on a communication network to a management system (Abstract). The management system informs a monitoring system of the identification information for the resource, and the monitoring system monitors the state of the resource on behalf of each user (Abstract). When it is updated, the update information is sent to a management system, which notifies the users of the update information, using a notifying interface corresponding to each user (Abstract).

The "users" referred to be Inakoshi are persons (e.g., Internet users) - see col. 4, lines 31 - 37: "The resource 6 is, for example, image information and/or text information, such as a home page on the Internet, that is created and transmitted by a user. Which resource on the communication network 5 is the target of monitoring is specified at the time of the user request." Further, in col. 5, lines 26 - 35, Inakoshi teaches that "the user is automatically notified that the resource 6 has been updated. For this reason, it becomes unnecessary for the user himself to access the resource 6, making it possible to reduce the number of times that the user accesses the resource 6 to a minimum."

Conger is directed to the Windows operating systems and memory management. Conger discloses at page 612 lines 10-11 "The 8086 and 80486 chips access memory using two 16-bit values. These values are called the "segment" and the "offset."" Dumas is directed to using the Windows Sockets Application Programming Interface, and teaches the socket communication mechanism.

Claim 1 of the present application recites, in pertinent part, a computer including at least one process and a spin daemon, where the at least one process is configured to de-schedule itself when it is waiting for a flag to change condition, and where the spin daemon is configured to enable the at least one process to be re-scheduled for execution by the computer after the flag changes condition.

The Examiner acknowledges that Inakoshi does not teach that the process is configured to de-schedule itself. However, in rejecting Claim 1, the Examiner asserts that Inakoshi teaches that "by sending the monitor request to a monitor system, the user does not have to access the resource by itself, the change in the state of the resource will be automatically noticed to the user by the monitor system" (Page 3, paragraph 1 and Page 6, paragraph 2 of the Final Office Action) and that "therefore, one of ordinary skill in the art would conclude that in this case, the process from the user has been de-schedule itself from accessing the resource by itself". Applicants respectfully disagree. **More particularly, the alleged teaching in Inakoshi that "a user does not have to access a resource by itself, the change in the state of the resource will be automatically noticed to the user by the monitor system", does not lead to a conclusion that any process anywhere "de-schedules itself" as recited in Claim 1.** Applicants can find no teaching or suggestion of scheduling or de-scheduling in Inakoshi, or of any process de-scheduling itself. The Examiner is no doubt aware that to establish a *prima facie* obviousness of a claimed invention, **all claim limitations must be taught or suggested by the prior art.** *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant's respectfully request the Examiner to either cite a specific reference

within Inakoshi that teaches or suggests a **process configured to de-schedule itself**, or to withdraw the rejection of Claim 1.

In addition, the Examiner asserts that the feature of the spin daemon configured to enable the at least one process to be **re-scheduled by the computer after the flag changes condition** is taught by Inakoshi, and cites col. 4, lines 31 – 37 and col. 4, lines 30 and 40 of Inakoshi in support of this assertion. Applicants respectfully disagree with this assertion. Inakoshi does not teach or suggest enabling any process to be re-scheduled after a flag changes a condition. In lines 29 – 43 of col. 4, Inakoshi discloses:

“The output unit 2 outputs change information that indicates a change in state of the resource 6.

The resource 6 is, for example, image information image and/or text information image information and/or text information, such as a home page on the Internet, that is created and transmitted by a user. Which resource on the communication network 5 is the target of monitoring is specified at the time of the user request. The monitoring request from the user is sent, for example, from the management unit 4 to the monitoring unit 1.

The monitoring unit 1 for example accesses the resource 6 and checks on its state periodically. When it is determined that the resource has been updated, the monitoring unit 1 transmits the fact that the state of the resource 6 has changed to the output unit 2.”

Applicants respectfully request the Examiner to specify exactly where in the cited lines, or anywhere else in Inakoshi, a teaching or suggestion of a **spin daemon configured to enable the at least one process to be re-scheduled by the computer after the flag changes condition** is to be found, or to withdraw the rejection of Claim 1.

In addition, Applicants can find no teaching or suggestion in either Conger or Dumas, taken singly or in combination with each other and/or with Inakoshi, of the combination of features recited in Claim 1. Applicants therefore respectfully submit that Claim 1 patentably distinguishes over the art cited by the Examiner. Claims 2 – 5 depend upon Claim 1, and are therefore believed to patentably distinguish over the cited art for at least the above reasons. Independent Claims 6 and 11 recite features similar to those of

Claim 1, and are therefore also believed to patentably distinguish over the art the cited by the Examiner, along with their respective dependent claims 7-10 and 12-15.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-93900/BNK.

Respectfully submitted,



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